ALL POINT TO CASE OF MURDER

officers Insist Jennings Was Foully Slain.

MYSTERY OF A MISSING GUN

CONTRADICTORY TESTIMONY AT CORONER'S INQUEST.

FFORTS yesterday to clear up the te street brought forth developwhich, the officers claim, confirm yond a doubt their belief that gs was robbed and murdered. ony at the inquest begun yesning showed that the cusas to have two guns behind the one of which cannot be acfor, unless it was lying cocked he body of Jennings.

ther witness has been found who nother witness has been found who a Jennings with money shortly been he went to the road house, and asserts that the dead man was feetly sober at that time. Besides as facts, every witness of the affair mined at the inquest told an ensely different story to what he had to before. They denied every admission made to the officers, and informatives secured showing that at least cured showing that at least witness had been talked to by gers on at the resort about "peach-" and "giving away things."

ing" and "giving away things."
This same witness appeared before the coroner's jury with an entirely new mary yesterday, in which he flatly detied every admission made to the ofthe day before, asserting that he old the other stories while drunk maer the influence of morphine. d been concocted somewhere, and they had to admit that a mistake had been made in allowing the princi-pal witnesses to be released from jail y might have a chance to talk the over among themselves.

Testimony at Inquest.

The inquest was held by Justice F. M. Bishop of Farmer's ward, and was opened at 10 o'clock in the office of Un-dertaker O'Donnell. A jary was seopened at 10 o'clock in the office of Undertaker O'Donnell. A jury was selected, composed of R. L. McGhie, Horace tayner and Victor Christopherson. County Attorney Christensen appeared in behalf of the state, and Attorney Straup appeared for Barney Eckstein, who fired the fatal shots. The witnesses were all excluded from the room, and who fired the fatal shots. The witnesses were all excluded from the room, and Frank Trustie, the colored bartender, was the first one called to the stand. His story varied considerably from any of those he had told before. Trustie stated that the first he saw of the man, he himself was sitting on the porch with his feet up against a post, when Jennings came up from towards the candy stand at the corner and said:
"Have you got any beer here, you..."

Then," said the witness, "he kicked my feet from the pole and, picking me up, knocked my feet from under me and threw me to the floor. I went into the bar and he followed me and bought the bar and he followed me and bought two beers. He gave me one drink. Then he played the slot machine and broke it, and demanded that I give him Is cents which he said he won. I gave him the money, and he went outside and sat down on the porch. That was the last I saw of him until he came in with the gun."

Says He Saw a Gun.

When asked if he had seen Jennings with a gun in the afternoon, Trustic said he saw one in his pocket, but when asked if he had told everything that occurred in the afternoon, he said he had. He did not mention the gun play,

inuing his testimony, Trustie dark, and asked him who that man was on the front porch. He said he told Eckstein that it was some "big and nothing more was done or

he next time I saw him." said the The next time I saw him," said the begro, "he came in and walked to the bar and stuck his gun against Barney's breast and said something was going to be doing quick. Barney told him twice to take the gun off; then he deem his according to the same that t

witness said Jennings held his gun in his left hand, but that when he fell the gun dropped on his right side and lay near his right hand. He dethat no one had touched the man until the officers arrived, and said Barney made no effort to see if he was dead, but just "plugged him and walked to the 'phone and notified the

Trustle testified that it was the custom to keep two revolvers behind the bar, but he admitted that there was only one gun there when the officers arrived. He didn't know where the other gun was, but stoutly denied that hat was it lying beside Jennings.

Police Captain's Story.

Captain Burbidge of the police de-artment, was next called and testiled that he was notified of the affair about half a dozen people standing about and Jennings lay near the bar with the gun lying cocked and within a few inches of his right hand. He gun from the floor and asked for his, which lay behind the He stated that the witnesses told him Jennings held his gun in his

the revolver lay between Jen-right hand and the counter,

Changes His Story.

The next witness called was Ed Sher ok, the piano player, who told the ers, Friday, that Jennings came in

flashed a gun on Eckstein. was at Murray," said Sherbrook, got back to the road house about About 3:45, I saw Jennings come

broke it. He flashed a gun on Trus-and told him that if he didn't pay in 15 cents he would blow his other men can be secured.

"I sat down at the piano and he knocked me over and jammed me about the piano until my knees hurt. I ran out of the room and he came after me, flourishing his gun about and declaring that he would kill me if I didn't play for him. I hid under the bed and I heard him go into the bar room and

Trustle told him to take that gun off him or it might go off. He finally went outside and sat down on the front porch and he looked like he had gone to sleep.

Appearance of Eckstein.

Appearance of Eckstein.

"We ate our supper about 6 o'clock and after it was over I lay down and slept for an hour, because my tooth was aching. Barney came in before supper was over, but I did not hear him speak about Jennings at all.

"I didn't know anything more about Jennings until the shooting occurred. I was sitting in the parlor playing the plano when I suddenly heard a bang, bang, and, running into the room, saw

plano when I suddenly heard a bang, bang, and, running into the room, saw Jennings fail to the floor. His gun fell from his left hand to his right side and was cocked. This is all I know, gentlemen. I have told you everything. You put me under oath to tell the truth, and I have told it."

"Did you not tell me and the other officers, both after the shooting and at the county iall, that you were in the bar room when Jennings came in with his gun and describe just how he his gun and describe just how he walked to the counter and pulled it on Barney?" asked Mr. Christensen. "I do not remember it," replied Sher-

brook.
Did you not tell us that Jennings came in and said he had been robbed and something was going to be doing

Witness' Bad Memory.

"No, I did not hear anything of the kind. How could I hear that when I ed to do so by the court, the attorney replied:
"Out of respect to the court I will there is going to be something doing

"I don't remember what I told, but if I told anything else but what I told you here this afternoon it was false. I told you just what happened on the stand here, and whatever else I told you I wasn't responsible for, because I was drunk and had taken morphine for my aching tooth, and it affected me. I took eight shots of whisky during the evening and I don't remember talking to you officers—I actually don't remember about being taken to jail.

who expected him to tell the story related to them at the jall, just before he was released. In this story Sherbrook stated that he was in the barroom at the time of the shooting and said that Jennings came in and walked about the room several times before he walked up to the bar. "He declared," asserted one of the officers," that Jennings made the assertion that he had been robbed. He further asserted that Jennings never

further asserted that Jennings never had a gun, or at least never flashed one on Barney, at all. Besides this, he told us that Barney had told him just what story he was to tell before the officers got to the scene."

Why Sherbrook Changed.

The officers admit that they believe The officers admit that they believe his change in story was the result of his having been released from jail and allowed to go to the road house and spend the night. A person who was at the road house at the time when Sherbrook reached there from the jail heard some of the hangers-on about the bar room, immediately accost Sherbrook, and accuse him of "squeeling" to the officers and "telling things." One of them remarked:

them remarked: "The piano player has been peach-

Sherbrook demanded: "Who said the piano player has been peaching?"
To this the first spokesman replied: "The afternoon papers said he has been telling something about the af-

fair. Then one of the loungers took the piano player off to one side and held a whispered conference with him. To-day when he appeared on the stand

his story was an entirely new one. Opinion of Officers.

These things convince the officers that Jennings was robbed and murdered. Besides this, another man was found who saw Jennings just before he went to the road house and knows that he had money in his possession. He also states that Jennings was perfectly sober. This man is Walter Westman, a driver of a Main street sprinkling cart. He stated yesterday sprinking cart. He stated yesterday
that he say Jennings at the corner
of Main and Third South about 3
o'clock, and that then Jennings told
him he had plenty of money, but did
not state how much.

"He was perfectly sober when I saw
him," said Westman.

An important thing in the eyes of the

An important thing in the eyes of the officers in relation to whether Jennings had a gun or not, is the testimony that two guns were always kept behind the bar, and the fact that only one was found there by Captain Burbidge and no satisfactory explanation as to the whereabouts of the other has been given. The officers are working dilithe whereabouts of the other has been given. The officers are working diligently upon this line and they expect to bring up some startling developments before the inquest is over. ments before the inquest is over.

After the inquest adjourned yesterday the remains of the dead man were
shipped to Levan, Juab county, where
they will be interred.

Just Keep in Mind

Naylor testified that he reached the scene and took the guns and other things from Captain Burbidge and placed Eckstein and the witnesses under arrest.

Naylor testified that he your fall weight underwear; then confine your purchases to our extensive lines.

BROWN, TERRY & WOODRUFF CO.,

AT A STANDSTILL. ise claiming to have been robbed Both Sides in the Telephone Strike Are Waiting.

The strike situation in telephone circles is practically at a standstill. The strikers are waiting patiently for some trom the candy stand and walk up to Trustic and say, 'You nigger, I'd like to fill you full of holes.' He then kicked Trustic's feet down from the pole and picking him up just like a baby threw him down on the porch hard enough to Crack his honce. at work keeping the city lines of the He ordered Trustie to go in and get company clear of trouble, but the comdrink, and when he got the pany expects to have more at work played the slot machine until in a short time. They say they will in a short time. They say they will

brains out. Trustle told him to 'stand his hand,' and then paid him the money. He then turned on me and said, 'you little —, you play me a tune or I will blow you full of holes.'

"I sat down at the piano and he knocked me over and jammed me about to the requests of the union men.

LAWYER GIVES LIE IN COURT

Higgins Denounced by Parley Williams.

LATTER HAD BEEN ACCUSED

TOOK OFFENSE AT SOME RE-MARKS DURING ARGUMENT.

LATF YOU say I saw your client, you are a liar," said Attorney P. L. Williams to Judge E. V. Higgins in Judge Stewart's court yesterday morning. It was at the conclusion of some heated remarks during the argument on the plaintiff's motion to strike out certain parts of the reply of the defendant in the case of D. A. Lindsay against St. Mark's hospital, Dr. S. H. Pinkerton and Dr. Union Worthington, Judge Higgins at once appealed to the court to order Mr. Williams to re-

withdraw my statement. I know the remark was unprofessional, but it was incited by the statements made, and when he withdraws his remarks I will

"Yes, I was playing softly on the piano and I heard him say that."
"Do you mean to say that you did not tell me and the other officers that you were in the bar room when Jennings came in and walked around several minutes, then said he had been robbed and there would be something doing?"
"I don't remember what I told, but it was incited by the statements made, and when he withdraws his remarks I will retract mine."
The statements of both were retracted and the arguments continued. Judge Higgins represented the plaintiff, who is suing to recover \$10,000 damages for alleged malpractice in the amputation of his leg at St. Mark's hospital by the doctors mentioned. In the defendant's

Land and Water Commissioner Fisher, it is alleged, diverted the water by means of dams and turned it on the city's lands, decreasing the flow of the stream on the 15th, when a new measurement was to have been taken in order to settle on a basis of exchange of waters between the farmers and the city, from 9,000,000 gallons to 3,500,000 gallons.

An affidavit was fild yesterday by Commissioner Fisher to the effect that he did divert the water, as charged, but that he did it openly and with the consent and knowledge of a majority of the water commissioners. clared in the affidavit that he had di-verted the stream in order to take the amount of water to which the city was entitled for irrigating the lands which it had purchased in Parley's canyon, and not for the purpose of decreasing the flow for the measurement.

An affidavit was also filed by Superintendent Hines denying that he had violated the restraining order, as alleged. B. Richards Clark and T. H. Woodbury testified in behalf of the plaintiffs, while Commis-sioner Fisher, Superintendent Hines and John Gabbott were sworn by the defense. City Attorney Nye represent-ed the defendants, and Attorneys Ray and Waldemar Van Cott argued in be-

half of the plaintiffs. In order to secure the testimony of A. F. Doremus, one of the water com-missioners, and to ascertain certain

Max Peters' Estate.

Anna Peters, wife of Max A. Peters, who was shot and killed by J. W. Mc-Anna Peters, whe of Max A. Peters, who was shot and killed by J. W. McCaslin, yesterday filed a petition in the district court praying for the issuance of letters of administration in the estate of Max A. Peters. The petition states that Peters died in this city on the 7th day of August and left an estate of real and personal property which is valued at \$7,500. The real property is of the probable value of \$3,500 and is of rental value of \$35 per month, while the personal property is of the probable value of \$4,000. The heirs are Anna, wife and petitioner; Otto R., 16 years of age, and Ray E., 8 years of age, both children of the drecased, all of whom reside at 55 West Sixth South street. The petition further states that no will is known to exist. Friday, Sept. 19, is the date exist. Friday, Sept. 19, is the date fixed by the court for a hearing of the

Street Railway Company Sued. Suit was begun in the district court yesterday by Junius W. Stringfellow, through George Stringfellow, his guardian ad litem, against the Consolidated Railway & Power company to recover \$15,200 damages, which the plaintiff sustained through contact with a live wire. The complaint states that on June 7 of this year the plaintiff was riding a horse on State street, near Seventh South, when the animal stepped on a live wire, known as a guy wire, and used by the defendant in the operation of the street railway. The wire, as alleged in the complaint, was heavily charged with electricity, and when the horse stepped on it, it was thrown to the ground. The plainwas thrown on the wire, sustaining burns and other injuries, and as a result was incapacitated for work for a time. He prays for the amount stated to cover the damages sustained and the expense which was incurred during the time of his confinement.

Articles were filed in Judge Stewart's court yesterday dismissing the two libed suits by Arthur Brown against the Tribune Publishing & Printing company and against P. H. Lannan, William Nelson and the Tribune Publishing & Printing company and against P. H. Lannan, William Nelson and the Tribune Publishing & Printing company (Tribune Publishing & Printing company) and the Tribune Publishing & Printing company (Tribune Publishing & Printing company (Tribune Publishing & Printing company) and the Tribune Publishing & Printing company (Tribune Publishing & Printing company) and the Tribune Publishing & Printing company (Tribune Publishing & Printing company (Tribune Publishing & Printing company) and the Tribune Publishing & Printing company (Tribune Publishing & Printing company (Tribune Publishing & Printing company) and the Tribune Publishing & Printing company (Tribune Publishing & Printing company) and the United States (Tribune Publishing & Printing company) and the Tribune Publishing & Printing company (Tribune Publishing & Printing company) and the Tribune Publishing & Printing company (Tribune Publishing & Printing company) and the Tribune Publishing & Printing company (Tribune Publishing & Printing company) and the United States (Tribune Publishing & Printing company) and the Tribune Publishing & Printing company (Tribune Publishing & Printing company) and the Tribune Publishing & Printing company (Tribune Publishing & Printing company) and the Tribune Publishing

DEMAND THE PROOF.

In this day of peculating shams and medical pretenders, when this doctor has one theory and that doctor has another, don't be hoodwinked, demand the proof of a doctor's skill; ask him whom he has cured, before paying out your hard earned money for medical services.

DRS. SHORES ALONE FURNISH THE PROOF.

Read the testimony of your friends and neighbors, you can SEE these people for yourself and learn the truth of their statements. Drs. Shores' prices and terms are low and uniform, and within the reach of all. It costs you nothing to talk with Drs. Shores by mail or at the office. \$5.00 a month for all Catarrhal diseases, medicines

Dr. G. W. Shores CURED IN Returns.





PETER OLIVER 166 State St., Salt Lake City, Utah. Mr. Oliver is a member of the well known firm of "Oliver Bros." dealers in In order to secure the testimony of A. F. Doremus, one of the water commissioners, and to ascertain certain other matters, an adjournment was taken until the court may be able to hear the case.

in the community.

Mr. Oliver says: "I began to suffer from Nervous Exhaustion about three from Nervous Exhaustion about three months ago, and in a short time became so run down I was unfit for work—lost in weight, had severe nervous spells and became very much alarmed over my condition. I went direct to Drs. Shores, knowing them to be experts in such cases, and I made no mistake, for I have steadily improved under Drs. Shores' treatment until to. under Drs, Shores' treatment until to-day I feel like myself again; have re-gained my weight, feel first-class in every way, and now I want to add my ny to Drs. Shores' skill. They ly deliver the goods.
ed.) "PETER OLIVER."

ONE MONTH.



it want? responsible for, because it want? responsible for because it want? responsible for because it want? responsible for because it want? The point is the point in the po

RELIEF THE FIRST MONTH



EXHAUSTION.

Catarrh of the Stomach—and also informed me that the eyes were affected from Catarrh.

"I went under their treatment—and for the trifling expense of \$5 a month—and today I am sound and well in every way, and my eyes as good as they ever were. I am surprised and delighted with Drs. Shores' splendid skill, and gladly endorse them to others.

J. E. STEVENS."

I has been a month of pleasure to me. Already I feel much better, my head and nose are quite clear, the nose does not bleed now like it used to, and I am what Drs. Shores have done for me. A working man appreciates it when he can get such expert services for a whole month for \$5.00, medicines included, and I recommend Drs. Shores to all in need of a Doctor's.

"MRS. C. J. PENNINGTON."

RELIEF IN TWO WEEKS.

An Example of What Can Be Done When Experts Handle a Case.



CHARLES HEEDING, 927 E. Third South Street, Salt Lake City.

Mr. Heeding says: I have been a very sick man for several weeks-in fact I had to stop work a month ago on account of my condition. I had pains in my stomach, bowels and abdomen, constant headache, backache, and began to lose flesh rapidly. My clothes fairly hung on me and nothing could relieve my pain until I went to Drs. Shores and Shores two

WE TREAT AND CURE

Catarrh and Stomach Troubles, Nervous Diseases, Kidney Diseases, Bladder Troubles, Heart Diseases, Diseases of the Stomach and Bowels, Piles, Fistula and Rectal Diseases, Female Complaints, Diseases of Women and Children, Rickets, Spinal Troubles, Skin Diseases, Deafness, Asthma, Bronchial and Lung Troubles, Consumption in the Kirst Stages, Rheumatism, Hay Fever, Neuralgia, Hysteria, Eye and Ear Diseases, Goitre or Big Neck, La Grippe, Lost Manhood, Etc.; Blood Diseases, Special Diseases, Scrofula and all forms of Nervous and Chronic

DRS. SHORES & SHORES

SPECIALISTS,

LYON BLOCK, 56 WEST SECOND SOUTH, Salt Lake City, Utah.

OFFICE HOURS-Week days, 9 a. m. to 4 p. m. Evenings, 7 to 8 p. m. Sundays and holidays, 10 a. m. to 12 noon free.

Home Treatment.

No one deprived of the benefits of Drs. Shores' skill be ause of living at distance from the office. The same wonjerful and uniform success attending the treatment of Drs. Shores in their office is found in their HOME TREAT-MENT OF PATIENTS BY MAIL. By the use of a symptom blank they are able to diagnose cases and prescribe for them, and by their reports keep a close watch upon them. Patients living in the country may enjoy the benefits of Drs. Shores' skill as well as those in the city. WRITE FOR SYMPTOM BLANK and have your case home. \$5 a month for all catarrhal diseases, medicine

STOCK PRICES HIGHER

Investors Note Firmness and Advances in Favorite Local Securities.

Evidences of greater activity in the investment market were noted frequently during the past week. With the piling up of more and more idle money in the local banks, investors are the piling up of more and more idle money in the local banks, investors are becoming more eager to place some of their surplus funds in the favorite dividend paying shares and in the prime bonds. A couple of weeks ago it was thought that the top notch of prices had been reached, but since then nearly all of the securities have either maintained rigid figures or have gone still higher. Advances of \$1 a share were recorded in Deseret National and Ogden First National, while Deseret Savines stock climbed from \$221 to \$295. higher. Advances of \$1 a share were recorded in Deseret National and Og-den First National, while Deseret Sav-ings stock climbed from \$221 to \$225. Utah Sugar gained ten points, selling at \$17.10. The only stock to decline was Amalgamated Sugar, which sold at the

Z. C. M. I. 163 00
Home Fire Insurance ... 133 00
Consolidated Wagon & Machine, preferred ... 101 00

To State of the section 33, township I south, angle 2 west ... In the section 33, township I south, angle 2 west ... In the section 33, township I south, angle 2 west ... In the section 33, township I south, angle 2 west ... In the section 33, township I south, angle 2 west ... In the section 33, township I south, angle 2 west ... In the section 33, township I south, angle 2 west ... In the section 33, township I south, angle 2 west ... In the section 34, township I south, angle 2 west ... In the section 35, township I south, angle 2 west ... In the section 35, township I south, angle 2 west ... In the section 35, township I south, angle 2 west ... In the section 35, township I south, angle 2 west ... In the section 35, township I south, angle 2 west ... In the section 35, township I south, angle 2 west ... In the section 35, township I south, angle 2 west ... In the section 35, township I south, angle 2 west ... In the section 35, township I south, angle 2 west ... In the section 35, township I south, angle 2 west ... In the section 35, township I south, angle 2 west ... In the section 35, township I south, angle 2 west ... In the section 35, township I south, and a se preferred Consolidated Wagon & Machine, 48 00 Rocky Mountain Bell Telephone 100 bonds ... 101 00
Salt Lake City railway bonds .. 101 50
Sumpter Valley Railway bonds .. 103 50

Building Permits. The following permits to build and to

Bessie E. Tolhurst to Edwin L. El-der. 17½ feet by 10 rods, southeast from northwest corner lot 1, block 163, plat A Personal Mention.

Senator Kearns is expected to arrive to-day from the east.

Miss Clara Colburne, principal of Row-land Hall, returned to the city yester-

tody by an officer. At the police station the man told a straightforward story, saying he had been in town only two days, and that previous to that time had been working for the Oregon Short Line about eighty miles from Ogden. He claims the occupation of a seaman and named many vessels upon which he has salled. At the time of his arrest he had \$32.40 upon his person, and said he was expecting to ship to Denver. With a blue handkerchief tied around his neck and his hair cut close, the man was somewhat suspicious looking, and notwithstanding his truthful story and hard, calloused hands, he was placed behind the bars. The police believe he wished to communicate with some friend in the iail. 600

DIED.

JOHNSON-In this city, Sept. 5, 1902, of typhoid fever, Albian Johnson, in his Funeral from S. D. Evans' undertaking parlors, 213 South State street, today

MATSON—In this city, Sept. 6, 1902, of typhoid fever, Niels Matson, a native of Sweden, aged 26 years. The deceased was an employe of the Highland Boy mine, and the remains are at O'Donnell's undertaking parlors awaiting instructions from his friends in Bing-

ROSE-At Mill Creek, Aug. 30, 1902, John